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Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written submission by the Commission for Human Rights and Good Governance of Tanzania*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Commission for Human Rights and Good Governance of Tanzania**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005

* National human rights institution with A status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

GE.18-02912(E)
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Annex

Persons with albinism in Tanzania

The Commission for Human Rights and Good Governance (CHRAGG) is pleased to give a statement in this 37th Session of the Council and thank the Council for their commitment in ensuring that human rights are well protected worldwide.

In this session, CHRAGG would like to congratulate the Tanzanian government for the initiatives it has taken in making sure disability rights are well protected and promoted in the country, where among the undertaken measures is the protection of right of Persons with Albinism including prosecution of perpetrators of this shameful crime.

So far the government has signed and domesticated number of International and Regional human rights instruments that protect and recognize the rights of person with disabilities. We can all agree that our government has been forefront in ensuring that atrocities against persons with albinism have been stopped and their rights being respected and protected by every individual. This sets the country as a good example for many other African countries going through the same problem.

We would also like to extend our congratulations to the United Nations Independent Expert on the enjoyment of rights of persons with albinism for the work she has been doing in fulfilling the mission of promoting and protecting human rights of persons with albinism. The Commission would also like to thank the United Nations Country Team of Tanzania for their effective cooperation.

Initiatives taken by the Institution

The Commission for Human Rights and Good Governance is an independent government institution and is vested with a broad mandate, powers and competence to promote, protect and preserve human rights and principles of good governance in Tanzania mainland and Zanzibar Island.

The institution convened several stakeholders meetings with the aim of adopting measures to end the killings and brutalities committed against persons with albinism since the incidents were first reported in 2007.

The meetings were conducted in collaboration with the President's Office Regional Administration and Local Government, Judiciary, Office of the Attorney Generals Chamber (AGC), Office of the Director of Public Prosecution (DPP) and other stakeholders from the Civil Society Organizations (CSOs), Media and Religious organizations.

Measures taken

Among the measures taken in those meetings includes:

- Creation of public awareness on the rights of persons with Albinism, where all stakeholders should ensure that the existing initiatives and strategies are disseminated such that no community should remain unreached by awareness and other campaigns to end attacks and killings of Persons with Albinism,
- Developing Action Plan to end the problem, which contains specific tasks for every stakeholder, within specified time frame and report quarterly on measures taken,
- The President Office- Regional Administration and Local Government should get involved in all activities and interventions particularly in local government authorities on activities that aim to combat attacks and killings of Persons with Albinism.

- Bringing to justice the alleged perpetrators of these barbaric acts.

Challenges

Challenges which hinder the efforts to stop the killings of persons with albinism includes:

- **Cultural barriers and myths.** There are societies which still believe that persons with albinism are not normal persons. This is mainly due to lack of understanding on albinism, that it is the lack of melanin in the human skin and that a human being is born with albinism when both parents carry a gene of albinism. Negative beliefs are widespread in the societies that PWA are unique human beings who possess supernatural powers which can be exploited for economic or political advantage,

- **Financial constraints and lack of adequate working tools.** Financial constraints as well as inadequate working tools among some government authorities working on the protection of the human rights of persons with albinism is a major challenge in ending attacks against PWA,,

- **Some of PWA lives in the risk areas.** Some of the PWAs are living in isolated places and remote rural areas which is a risk to their security. Some of them live in restricted areas such as game and forest reserves, a situation which further endanger their lives.

- **Failure to differentiate between Traditional healers and witchdoctors.** There is a problem of differentiating between alternative traditional medicine practitioners and witchdoctors. These are accused for fueling the demand of some parts of PWAs for witchcrafts beliefs.

The Commission continues to work with the State, Civil Society Organisations and other international mechanisms so as to end atrocities against persons with albinism.

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Agenda 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written submission by the Commission on Human Rights of the Philippines*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Commission on Human Rights of the Philippines**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

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Annex

Inputs of the Commission on Human Rights of the Philippines for the Annual interactive debate on the rights of persons with disabilities, with a focus on Article 13 of the Convention on the Rights of Persons with Disabilities regarding access to justice

1. The following inputs from the Commission on Human Rights of the Philippines (hereinafter the "Commission")[1] took into consideration local and international reports from government, civil society, the media, and international non-government organizations. This submission also utilized the Commission's own documentation of independent monitoring activities and statements all of which were subjected to the internal deliberations of the Commission En Banc.

National policies on access to justice of persons with disabilities[2]

2. The Philippine judicial system as well as existing legislations provides for equal rights for persons with disabilities (PWDs). The Philippine Constitution guarantees "full respect for human rights" and "equal protection of the laws" to all persons. This guarantee applies to all cases of discrimination and exclusion.

"The State values the dignity of every human person and guarantees full respect for human rights." (Philippine Constitution. Art. II Sec. 11)

"No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." (Philippine Constitution, Art. III Sec. 1)

3. To further guarantee the protection and promotion of the rights of persons with disabilities, the Philippines ratified the Convention on the Rights of Persons with Disabilities (the "Convention" or "CRPD") on 15 April 2008, which entered into force on 3 May 2008. This convention was translated into domestic law thorough the Magna Carta of Persons with Disabilities of 1999 (RA 7277). The Philippines, as state party to the CRPD, submitted its initial report to the Committee on the Rights of Persons with Disabilities on 24 November 2008 and is due to undergo periodic review in 2018 pursuant to its treaty obligations.

Participation of persons with disabilities in legal proceedings

4. Under Philippine laws, all persons, including those with disabilities, are allowed to participate in every phase of the judicial process and to seek for appropriate remedies following the procedure set forth under the Rules of Court[3] However, despite legal

[1] As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has "A"-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

[2] Commission on Human Rights of the Philippines responses to the questionnaire on access to justice of persons with disabilities, relevant to HRC Resolution 31/6 concerning the rights of persons with disabilities, 3 May 2017

[3] A set of regulations laid down by the Supreme Court to govern how courts exercise their jurisdiction

provisions allowing persons with disabilities to participate in court proceedings[4], the problem lies with the appreciation or the weight of the litigant's testimony. It should be taken into consideration that for instance, in cases of persons with psycho-social or sensory impairments, the weight of testimonies would depend solely on the presiding judge. Given existing provisions of law, it may be inferred that physical or mental impairments largely affects the "probative value" of the person's testimony. This situation becomes problematic if aggravated by the lack of training of judges in handling cases involving persons with disabilities. Such case may result to misappreciation of circumstances leading to eventual miscarriage of justice.

5. The legal system is still lacking in terms of providing adequate safeguards on the right to fair trial of persons with disabilities. This is reflected in the failure of courts to provide sensitized court personnel as well as well-trained interpreters to assist the litigants through the process. Consequently, persons with disabilities tend to be discouraged to seek redress and bring proper legal actions.

6. In 2007, The Supreme Court has authorized trial court judges, through the Office of the Court Administrator (OCA), to engage the services of sign language interpreters, recognizing that there are "parties or witnesses who, to be fully understood and to prevent possible miscarriage of justice, may require a sign language interpreter." Previously, such permission was available only from the Supreme Court itself. Following such authorization, OCA can directly authorize the trial court judge to hire the interpreter. Despite this Supreme Court circular, women who are deaf or hard of hearing find it difficult to request for sign language interpreters.

7. Legislators and advocates have long been pushing for the passage of the Filipino Sign Language Act originally debated in 2012 and now pending in both House of Representatives and Senate. The adoption of this bill into law would result to the mandatory use of Filipino sign language in schools, workplaces and broadcast media and would mandate courts, quasi-judicial agencies and other tribunals to ensure the availability of Filipino sign language interpreting in all proceedings involving persons who are deaf or hard of hearing. The act likewise mandates the Supreme Court and other agencies to promote appropriate training for those working in the administration of justice including court personnel and police and prison staff.

Children with disabilities and access to justice[5]

8. The pursuit of justice of children with disabilities in the country remains elusive. Whether as respondents, witnesses or complainants, children with disabilities are confronted with physical and institutional barriers against access to an effective justice system. Aside from the legal services provided by the Public Attorney's Office (PAO), parents and their children are not very much aware of other agencies or organizations that can provide free legal services to children with disabilities. Also, it has been difficult for families of children with disabilities to find lawyers who have suitable training and experience in handling cases of children with disabilities.

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[4] Under Rule 130 of the Rules of Admissibility, persons with disabilities, even those with sensory impairments, may testify as witnesses, provided they can "perceive and make known their perception to others." For example, blind persons can hear, smell and taste and deaf persons can see and "make known their perceptions" through sign language interpreters. The Rules further provide that witnesses must answer the questions "orally", except when a "witness is incapacitated to speak, or the question calls for a different mode of answer."

[5] Commission on Human Rights NHRI Report for the List of Issues to be Adopted at the 9th Pre-Sessional Working-Group Convention on the Rights of Persons with Disabilities, 31 January 2018.

Initiatives to improve right to access to justice

9. A 2008 study by the Commission on Human Rights stated that persons with disabilities had difficulty accessing the legal system due to the fact that not all legal practitioners are able to communicate with persons with disabilities. Lack of adequate interpretation facilities hinder these persons from receiving adequate protection from the law. In response to this challenge, the Department of Justice launched a PWD Legal Assistance Desk at the Quezon City Prosecutors office, which has a manual on disability sensitivity for public attorneys and prosecutors. The Public Attorneys' Office also has PWD-friendly public attorneys who will handle complaints from persons with disabilities.[6]

10. Since the signing of the Incheon Strategy in November 2013, The Department of Justice (DOJ), in partnership with the National Council on Disability Affairs (NCDA) has spearheaded "Disability Awareness and Sensitivity Workshops on Access to Justice for Persons with Disabilities". The workshops were participated mostly by public attorneys and prosecutors committed to support the advocacy on "Make the Right Real for Persons with Disabilities" and ensure protection of their right in accessing justice.[7] Civil society organizations such as the Autism Society Philippines (ASP) likewise implement similar activities hand in hand with the National Council for Disability Affairs (NCDA).

11. During the term of former Justice Secretary Leila De Lima, the DOJ's Action Center was established to ensure legal accessibility especially to persons with disabilities.

12. In 1995, The Supreme Court, by virtue of Memorandum Circular 46-95, enjoined judges to provide persons with disabilities convenient access to courtrooms. In some cases, this is done by holding sessions on the ground floor of court houses.[8]

Lack of disaggregated data

13. The Supreme Court of the Philippines is consistently monitoring cases of persons with disabilities. Data on cases involving persons who are deaf or hard of hearing have been gathered from Supreme Court records as early as the 1920s.

14. Aside from monitoring made by the Supreme Court, civil society organizations such as the Philippine Deaf Resource Center regularly reports data in relation to cases of persons with disabilities with corresponding recommendation on how to better administer justice while taking into consideration the special needs of the said litigants.

15. Despite the presence of efforts from the government and civil society organizations to provide monitoring mechanisms and disaggregated data pertaining to persons with disabilities, data has not been sufficiently gathered nationwide. In 2013, the Philippine Coalition on the U.N Convention of the Rights of Persons with Disabilities (PCCRPD) noted as an example that reported rape cases of persons with disabilities and all other women have largely been documented only for the National Capital Region. Currently, there is no way to systematically secure information about cases in trial courts except for those which have reached the Supreme Court. Request for assistance by civil society from the Supreme Court – Office of the Court Administrator to track and follow-up cases involving deaf parties for instance, have yielded only a few responses from the lower courts.

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[6] Christine Joyce Andres, *2 Things the PWD Community Needs from All of Us*. Lifelifters, 29 January 2016. http://lifelifters.net/category/uncategorized/ (last accessed: 28 April 2017).

[7] Disability Awareness and Sensitivity Workshop On Access to Justice for Persons with Disabilities Held. http://www.ncda.gov.ph/2014/08/disability-awareness-and-sensitivity-workshop-on-access-to-justice-for-persons-with-disabilities-held/ (last accessed on April 17, 2017).

16. Without information on the status of cases involving persons with disabilities, or effective mechanisms to secure these information, the pursuit of justice by such persons become very difficult thus pushing them even deeper into marginalization; therefore, the Commission recommends for the State to initiate the development of a systematic and disaggregated data collection pertaining to the situations and human rights issues of persons with disabilities.

Recommendations:

17. When it comes to government programs and services, the State still lacks efforts to ensure the accessibility of services to persons with disabilities. Oftentimes, services provided to the sector are charity-based and not geared towards actual empowerment, development and eradication of discriminatory practices. With respect to access to justice, barriers persist that hinder persons with disabilities from fully participating in legal proceedings. These barriers result to deprivation of equal protection and benefits under the law which compromises access to justice and due process.

18. To address the issues regarding access to justice of PWDs, the Commission recommends the following to the State Party:

- Develop and maintain a comprehensive database of interpreters that is properly profiled and assessed to ensure efficient service to persons who are deaf or hard of hearing. This initiative is important to bridge communication gaps in cases that require interpretation and to ensure that there will be no miscarriage of justice brought about by such communication gaps.

- Facilitate regular institutional training programs on how to properly respond to cases wherein the parties are persons with disabilities. Participants should include those working in the judiciary especially sign language interpreters, as well for those who carry out court orders or deal with court proceedings.

- Properly monitor access to justice of persons with disabilities at the national level down to the barangay (villages) level and to require case disaggregated data involving persons with disabilities in all institutions performing judicial and quasi-judicial functions.

- For the Congress to expedite the passage of proposed legislations concerning persons with disabilities and access to justice.

- With respect to children with disabilities, there is a need for the judiciary to institutionalize the process of hiring interpreters in order to ensure that only qualified interpreters represent children with disabilities in courts.

- Conduct regular consultations with persons with disabilities, disability rights groups and government agencies and non-government organizations working on disability issues so as to determine the specific challenges of persons with disabilities in accessing justice.

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Agenda 6
Universal periodic review

Written submission by the National Human Rights Commission of Korea*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the National Human Rights Commission of Korea**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

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Annex

Consideration of UPR reports of the Republic of Korea

Mr. President.

It is an honor to deliver this statement on behalf of the A Status National Human Rights Commission of Republic of Korea (hereinafter referred to as "NHRCK" or "the Commission").

The NHRCK believes that the Universal Periodic Review (UPR) has made tremendous contributions through its process of regular reporting and review of human rights situations of the Member States. Through its efforts, the UPR has bolstered government's efforts to provide safeguards for human rights and increased awareness among the general public.

In fact, the recent third UPR process of the Republic of Korea, following up on its first and second UPR processes, had been a valuable opportunity to paint the overarching picture of human rights situations, and face pending human rights issues. The Commission believes this process gives us an good opportunity to enhance the domestic human rights situation for the Republic of Korea one step forward as well.

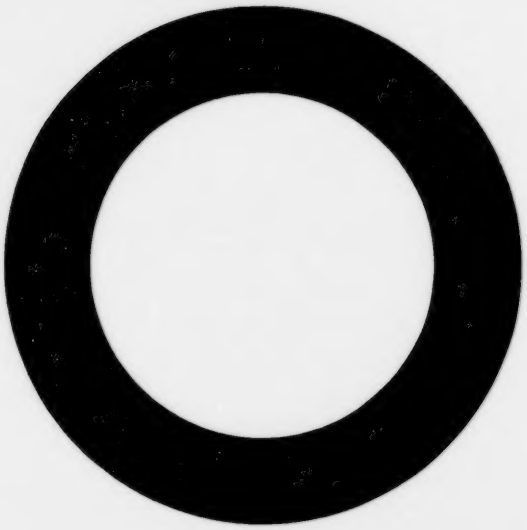
At the end of the third UPR Working Group's review, the Republic of Korea received total of 218 recommendations. The Commission welcomes the Korean government's move to accept 91 recommendations. However, the Commission is also concerned that the remaining 127 recommendations are not accepted as of yet. In order to fully comply with international human rights standards, the Commission urges the Korean government to respectfully accept the recommendations of the UPR Working Group and provide appropriate action plan as soon as possible.

Out of all recommendations made, the Commission recognizes the following recommendations' importance to the domestic human rights agenda. In this regards, the Commission believes that the Korean government should actively pursue and review recommendations made on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities; the adoption of comprehensive anti-discrimination law; the repeal of article 92-6 of the Military Criminal Act; the formulation of comprehensive legislation and measure on hate speech; and the decriminalization of conscientious objectors who refused to perform military service and the introduction of alternative service.

As the UPR process examines and enhances general human rights situations of vulnerable and minority groups, the effectiveness of this mechanism is founded on an accurate understanding of human rights issues of the reviewed states by the members of the Human Rights Council. In this regards, the NHRCK will continue to fulfill its role to present its independent opinions in an objective and unbiased manner.

The NHRCK will continue its utmost efforts for the domestic implementation of international human rights standards. To this end, the NHRCK promise to work closely with government bodies, civil society and international human rights organizations.

Thank you.



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Agenda 6
Universal periodic review

Written submission by the Human Rights Commission of Zambia*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Human Rights Commission of Zambia**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

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Annex

Adoption of Universal periodic review outcome of Zambia

This statement is made by the Human Rights Commission of Zambia.

The Human Rights Commission wishes to recognise and commend the Committee for the professional manner the deliberations were handled, the 78 Countries that made oral and written submissions, CSOs who provided parallel reports and the Zambian Government for their commitment to open and transparent processes in reporting to the Human Rights Council.. The ZHRC takes the UPR seriously as it provides practical steps toward promotion of human rights and opportunities for learning from other jurisdictions. It is our hope that the Zambian Government's firm commitment to putting in place a UPR implementation mechanism with a clear time bound implementation action plan combined with the resolve of the member states some of whom participated in the UPR for Zambia to assist by sharing experiences and capacity development, will enhance the progressive realisation of human rights in Zambia.

Mr Chairman,

We note that several recommendations which were not accepted are in fact in areas where Government has shown commitment by investing in legal and policy reforms and by prioritizing them in the 7th National Development Plan. We therefore would expect recommendations such as protection of freedoms (assembly, expression, association), eliminations of all forms of discrimination, protection of migrant workers and their families to be accepted by Government as there are current processes to reform the Public Order Act and other relevant legislation and policies. Also, we would expect the acceptance of recommendations to ratify optional protocols especially regarding death penalty as Government as accepted a moratorium on implementation of the judgements.

Mr. Chairman, the underlying human rights principles of universality, inalienability; indivisibility; interdependence and interrelatedness are fundamental ensuring that no one if left behind during the implementation of SDGs. They act as a radar in guiding domestic legislation, policies and development programmes As stated in our advisory to government, it is still the view of the Commission that some recommendations noted should have been supported considering existing binding obligations from treaties, protocols and agreements the State is party to including voluntary pledges from previous UPR cycles and in reports to treaty committees; the principles of universality, inalienability; indivisibility; interdependence and interrelatedness of human rights; the obligations assumed by being a subscribing State to Sustainable Development Goals(SDGs); the interplay between some of those recommendations with the 7th National Development Plan; the guarantees in the Constitution, other laws, policies and practices related to recommendations;

The Commission is, nevertheless, optimistic government will continue ongoing dialogue regarding exploration of possibilities to expand the bill of rights including incorporation of economic, social and cultural rights as envisaged in the failed referendum of 2016, before the next general election in 2021.

Mr Chair,

We are pleased that Government has placed priority in the 7th National Development Plan on resolving issues pertaining to the Public Order Act, further constitutional reforms to ensure greater access to human rights and elimination of inconsistencies and discretionary powers to officers.

The Commission is committed to working with government, CSOs and other stakeholders to ensure the UPR works to improve the state of human rights on the ground.

I thank you.

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Agenda 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Joint written submission by the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

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Annex

Statement on behalf of the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission. For the panel discussion on promoting tolerance, inclusion, unity and respect for diversity in the context of combating racial discrimination.

Mr President

This is a statement on behalf of the Equality and Human Rights Commission of Great Britain, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission.

The United Kingdom has signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which includes obligations relating to hate crime.[1]

We remain seriously concerned about increases in incidences of racially motivated hate crime in the UK in recent years, in particular following the EU referendum of June 2016 and recent terror attacks in England.[2]

The National Police Chief's Council reported a 57 per cent increase in reports of hate crime in the aftermath of the EU referendum.[3] Race remains the most commonly recorded motivation for hate crime in 2016/17, at 78 per cent, and shows an increase of 27 per cent over the previous year.[4]

We are concerned that barriers to reporting and recording hate crime continue to exist across the UK. There are challenges with the existing legal framework, which has developed in a piecemeal fashion. The main provisions relied upon in legal proceedings in relation to online hate crime predate the era of mass social media use.

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[1] Article 4 of ICERD includes an obligation to 'declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof'.

[2] UN Committee on the Elimination of Racial Discrimination (2016) Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland. CERD/C/GBR/CO/21-23, page 4, para. 15. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GBR/CO/21-23&Lang=En.

[3] National Police Chiefs' Council [NPCC]. 2016. *Hate crime is unacceptable in any circumstances say police*. Available at: http://news.npcc.police.uk/releases/hate-crime-is-unacceptable-in-any-circumstances-say-police.

[4] Home Office (2017), 'Hate Crime, England and Wales, 2016/17: Statistical Bulletin 17/17, 17 October 2017'. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652136/hate-crime-1617-hosb1717.pdf.

We call on the UK Government: [5, 6, 7]

a) To undertake a full-scale review of the legislation on hate crime without further delay. We suggest that any review of the legislation includes provisions on aggravated offences and the enhanced sentencing system, to ensure consistency across different protected characteristics; [8, 9, 10]

We call on the UK and Scottish Governments:

b) To ensure the legislation gives full consideration to the right to freedom of expression in private electronic communications; [11]

c) To ensure that monitoring and data collection methods are consistent across the UK, to allow for comparative and chronological analysis;

d) To evaluate reporting and recording processes used by the police and other agencies, in consultation with local communities;

e) To implement a review of third-party reporting, to evaluate impactand sustainability, highlight geographical and thematic gaps and ensure consistency with police recording systems; [12] and

f) To ensure police refer all victims of hate crimes and incidents to relevant support services. Such services should be adequately funded.

Thank you Mr President.

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[5] The Equality and Human Rights Commission (2017) Race rights in the UK. Submission to the UN Committee on the Elimination of Racial Discrimination in accordance with the Committee's procedures to follow up on Concluding Observations EHRC. Available at: https://www.equalityhumanrights.com/sites/default/files/race_rights_in_the_uk_-_august_2017.pdf

[6] One Scotland. (2016), *Report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion*. Available at: http://www.gov.scot/Resource/0050/00506074.pdf

[7] The Scottish Government has commissioned an independent review of hate crime legislation in Scotland. The review, which commenced on 30 January and will take up to a year to complete, is being led by Rt Hon Lord Bracadale.

[8] Sentencing Council, Approach to sentencing. Available at: https://www.sentencingcouncil.org.uk/explanatory-material/item/hate-crime/3-approach-to-sentencing/

[9] Law Commission (2014), *Hate crime: Should the current offences be extended?* Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316103/9781474104852_Print.pdf

[10] The Northern Ireland Human Rights Commission continues to advocate for a full implementation of its recommendations contained within its 2013 investigation into racist hate crime in Northern Ireland.Available at: http://www.nihrc.org/uploads/publications/103141_NIHRC_Racist_Hate_Crime_4_Combined_%282%29.pdf.

[11] Article 19 (2) of the International Covenant on Civil and Political Rights recognises that the right to freedom of expression is qualified, as per the following:
(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
(a) For respect of the rights or reputations of others;
(b) For the protection of national security or of public order (ordre public), or of public health or morals.
Article 10(2) of the European Convention on Human Rights places additional restrictions on freedom of speech, "…in the interests of …territorial integrity or public safety, for the prevention of disorder or crime, … for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

[12] The Scottish Government is looking at the value of third party reporting in the Lord Bracadale review mentioned in note 7.